

THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

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IN RE:

Braeden Richard Garrett

Debtor.

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Case No. 3:20-bk-31181-SHB  
Chapter 7

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U.S. TRUSTEE'S MOTION TO DISMISS

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NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on this Motion to Dismiss on October 22, 2020, at 9:00 a.m. in Courtroom 1-C located at Howard H. Baker Federal Courthouse, 800 Market Street, Knoxville, Tennessee 37902.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

GIVEN THE CURRENT PUBLIC HEALTH CRISIS, HEARINGS MAY BE TELEPHONIC ONLY. PLEASE CHECK THE COURT'S WEBSITE [www.tneb.uscourts.gov](http://www.tneb.uscourts.gov) PRIOR TO THE HEARING FOR INSTRUCTIONS ON WHETHER TO APPEAR IN PERSON OR BY TELEPHONE. INFORMATION ON HOW TO CALL IN AND PARTICIPATE IS ALSO POSTED ON THE WEBSITE.

Comes the Acting U.S. Trustee, Paul A. Randolph (the "U.S. Trustee"), by and through counsel, pursuant to 11 U.S.C. Section 707(a), and hereby files this Motion to Dismiss the case (the "Motion") for failure of Braeden Richard Garrett (the "Debtor") to attend the meeting of

creditors. Failure to attend the meeting of creditors is an unreasonable delay that is prejudicial to creditors. In support of this Motion, the U.S. Trustee would show the Court as follows:

1. The Court has jurisdiction of the matter pursuant to 28 U.S.C. §§ 1334(a) and (b); 28 U.S.C. §§ 157(a) and (b)(1); and 28 U.S.C. § 151. This is a core proceeding under 28 U.S.C. §§ 157(b)(2)(A). This motion is filed pursuant to 11 U.S.C. § 707(a).

2. This case was commenced as a voluntary Chapter 7 on April 30, 2020.

3. The original 341 meeting of creditors was scheduled for June 9, 2020. The Debtor failed to appear at the meeting and the meeting was continued to July 7, 2020. (*See*, Doc. No. 13). The Debtor again failed to appear at the continued meeting on July 7, 2020 and the meeting was continued a second time to July 21, 2020. (*See*, Doc. No. 14). The Debtor failed to attend the meeting on July 21, 2020, and the meeting was continued to August 11, 2020. (*See*, Doc. No. 20).

Upon information and belief, the Debtor has passed away.

4. Section 707(a) of the Bankruptcy Code provides:

(a) The court may dismiss a case under this chapter only after notice and a hearing and only for cause, including—

(1) unreasonable delay by the debtor that is prejudicial to creditors;

(2) nonpayment of any fees or charges required under chapter 123 of title 28; and

(3) failure of the debtor in a voluntary case to file, within fifteen days or such additional time as the court may allow after the filing of the petition commencing such case, the information required by paragraph (1) of section 521(a), but only on a motion by the United States trustee.

WHEREFORE, the U. S. Trustee respectfully requests the Court dismiss this case pursuant to 11 U.S.C. Section 707(a) and for such further relief as may be just and proper.

PAUL A. RANDOLPH  
Acting United States Trustee, Region 8

/s/ Tiffany A. DiIorio  
Tiffany A. DiIorio  
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Knoxville, TN 37902  
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Email: tiffany.diiorio@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2020, a true and correct copy of the foregoing *U.S. Trustee's Motion to Dismiss, Proposed Order*, and *Certificate of Service* was electronically filed in the Court's Electronic Case Filing System and will be served by operation of the Court's electronic filing system on the following:

- David H. Jones dhjones0208@aol.com, tn38@ecfcbis.com
- William E. Maddox wem@billmaddoxlaw.com,  
jn timers@billmaddoxlaw.com;r52783@notify.bestcase.com

and via U.S. Mail, postage prepaid to:

Braeden Richard Garrett  
300 State St  
Apt 241  
Knoxville, TN 37902  
*Debtor*

/s/ Tiffany A. DiIorio  
Tiffany A. DiIorio